



Paper No. 7

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OFFICE OF PETITIONS

In re Application of :
Schall et al. :
Application No. 09/919,224 : DECISION GRANTING PETITION
Filed: 30 July, 2001 :
Attys. Docket No. 019934-001710US :

This is a decision on the petition filed on 26 February, 2002, which is treated as a petition requesting that the above-identified application be accorded a filing date of 30 July, 2001, with 14 sheets of drawings as a part of the original disclosure.

On 30 July, 2001, the application was filed.

On 17 September, 2001, Initial Patent Examination Division mailed a "Notice of Incomplete Application" stating that the application had not been accorded a filing date because the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings.

In response, on 26 February, 2002, *inter alia*, the present petition, a \$130.00 petition fee, a four (4) month time extension, and 14 sheets of drawings were filed. Petitioner argues that 14 sheets of drawings were filed with the other application papers on 30 July, 2001, and that the drawings were misplaced in the U.S. Patent and Trademark Office (Office). In support of the petition, a copy of petitioner's postcard receipt which shows an Office stamp of 30 July, 2001, and the above-identified application number, and acknowledges receipt of, *inter alia*, 14 sheets of drawings, was supplied. Petitioner requests that the application, including 14 sheets of drawings, be accorded a filing date of 30 July, 2001.

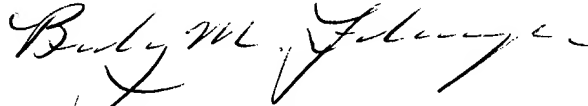
Upon review of the record, no sheets of drawings deposited on 30 July, 2001, have been located among the application papers contained in the official file. However, the evidence is convincing that the application papers deposited on 30 July, 2001, included 14 sheets of drawings, which were subsequently misplaced in the USPTO. Therefore, the application, including 14 sheets of drawings, was complete on filing and entitled to a filing date of 30 July, 2001.

In view of the above, the petition is granted. The 14 sheets of drawings submitted with the petition will be used for processing and examination purposes. The petition fee is unnecessary and will be credited to counsel's deposit account, No. 20-1430.

The "Notice" mailed on 17 September, 2001, was sent in error and is hereby withdrawn.

The application is being returned to Initial Patent Examination Division for processing with a filing date of 30 July, 2001, using the application papers filed on that date, and the 14 sheets of drawings supplied on 26 February, 2002, and for an indication on the bib-data sheet that 14 sheets of drawings were present on filing.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.


Beverly M. Flanagan
Supervisory Petitions Examiner
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for Patent Examination Policy